

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Review Item:**

707 KAR 1:280-380, Revisions of the Kentucky Administrative Regulations for special education programs

#### **Applicable Statute or Regulation:**

20 U. S. C. § 1221 (e), 20 U.S. C. § 1400-1419, 34 CFR 300.1-300.818, KRS 157.200, 157.220, 157.224, 157.226, 157.230, 157.250, 157.260, 157.270, 157.280, 157.290, 157.360, 158.030, 158.100, 158.150, 160.290

#### **History/Background:**

***Existing Policy.*** Congress passed amendments to the Individuals with Disabilities Education Act in 2004 and the U. S. Department of Education issued final regulations on August 14, 2006. As is required, Kentucky must amend its state special education regulations in order to comply with the new federal law and conform to new federal regulations.

The changes that are being recommended are based on extensive input from constituent groups. A summary of the major changes that are being recommended has been compiled (Attachment A). The Kentucky Board of Education (KBE) received a mailing prior to the February 2006 meeting on the content of the changes to the federal law. At the June 2006 meeting of the KBE, a copy of a “Decision Points” document (Attachment B) was provided. This document outlined items considered to be the major areas requiring revisions to state regulations as well as decisions that the state had to make based on discretion allowed in some of the federal regulations. The document was developed as a result of constituent input prior to the issuance of the final regulations in August 2006. Since that time, the KDE has worked with these and additional constituent groups in refining the proposed regulations (Attachment C).

The Department is submitting the attached regulations to begin the promulgation process. In February, the regulations will be reviewed and then come back in April for consideration of final approval. These regulations have had extensive review and revision based on input from numerous sources. These regulations also make every effort not to impose further restrictions than the federal law except in the few instances where there was an overwhelming and compelling recommendation from constituents or when state statute is more restrictive.

#### **Policy Issue(s):**

To comply with federal special education regulations, the Kentucky Department of Education must develop and the Kentucky Board of Education must approve state regulations that comply with the federal regulations.

The state's current regulations must be revised to incorporate changes in the federal regulations. Most of the revisions needed are to merely conform to federal changes. In some instances, however, the federal regulations give the state discretion on how to implement a change in the federal law through state regulations.. The KDE considered the input of many constituents and based on that input is providing recommendations to the KBE on how the state should exercise its discretion in the specific areas. The KBE may decide to accept the recommendations or require revisions.

**Groups Consulted and Brief Summary of Responses:**

American Council of the Blind  
Association for Retarded Citizens of Kentucky (ARC)  
Autism Society of Kentuckiana (ASK)  
Autism Society of Western Kentucky  
Autism Spectrum Disorders Advisory Consortium (ASDAC)  
Brain Injury Association of Kentucky  
Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD)  
Children's Law Center of Northern Kentucky  
Commission for Children with Special Health Care Needs  
Commissioner's Advisory Groups: Administrators (Principals and Superintendents), Local School Board Members, Equity Council and Parents  
Community Mental Health Centers  
Council on Mental Retardation/Parent Outreach  
Department of Juvenile Justice  
Directors of Special Education  
District Early Intervention Councils (DEIC)  
Down Syndrome Association of Central Kentucky  
Down Syndrome Association of Greater Cincinnati  
Down Syndrome Association of Louisville  
Dyslexia Solutions  
Early Childhood Regional Training Center  
Early Childhood Training Centers  
Education Professional Standards Board (ESPB)  
Electronic Survey on KDE Website (Over 400 hits)  
Family Resource/Youth Services Center  
Family Voices  
First Steps  
Focus Groups (22 conducted regionally and included school, community, and parent constituents)  
General Education Teachers  
Gifted and Talented Advisory Committee  
Green River Area Down Syndrome Association  
Special Education Hearing Officers  
Institutions for Higher Education (IHE Consortium)  
Kentucky Assistive Technology Service Network  
Kentucky Association for Psychology in the Schools (KAPS)

Kentucky Association of School Administrators (KASA)  
Kentucky Association of School Councils (KASC)  
Kentucky Association of the Deaf  
Kentucky Association of the Deaf and Hard of Hearing  
Kentucky Association of School Superintendents (KASS)  
Kentucky Autism Training Center (KATC)  
Kentucky Center for School Safety (KCSS)  
Kentucky Commission for Children with Special Health Care Needs  
Kentucky Council for Administrators of Special Education (KYCASE)  
Kentucky Council for Children with Behavioral Disorders (KYCCBD)  
Kentucky Council for the Blind  
Kentucky Council for Exceptional Children (KYCEC)  
Kentucky Department of Mental Health and Mental Retardation Services  
Kentucky Department of Protection and Advocacy  
Kentucky Developmental Disabilities Planning Council  
Kentucky Disabilities Coalition  
Kentucky Education Association (KEA)  
Kentucky Education Council for State Agency Children (KECSAC)  
Kentucky Interagency Transition Council for Persons with Disabilities  
Kentucky Office of the Blind  
Kentucky Office of Vocational Rehabilitation  
Kentucky Partnership for Families and Children (KPFC)  
Kentucky Regional Interagency Councils  
Kentucky School Counselor Association (KSCA)  
Kentucky School for the Blind Staff  
Kentucky School for the Deaf Staff  
Kentucky School Boards Association  
Kentucky Special Parent Information Network  
Kentucky Speech and Hearing Association (KSHA)  
Kentucky State Advisory Panel for Exceptional Children (SAPEC)  
Kentucky Transition Core Team  
Learning Disabilities Association of Kentucky (LDA)  
Learning Disabilities Workgroup  
Local Superintendents Advisory Council  
Mid-South Regional Resource Center  
National Federation of the Blind, Kentucky Chapter  
Office of Educational Accountability (OEA)  
Office of Special Instructional Services Advisory Committee  
Opportunities for Family Leadership  
Parent Resource Centers  
Parents Understanding Special Handicaps (PUSH)  
School, Curriculum Assessment and Accountability Council (SCAAC)  
Special Education Cooperatives:  
    Big East Special Education Cooperative  
    Caveland Special Education Cooperative  
    Central Kentucky Education Cooperative

Jefferson County Special Education Cooperative  
Kentucky Valley Special Education Cooperative  
Northern Kentucky Special Education Cooperative  
Ohio Valley Special Education Cooperative  
River Region Special Education Cooperative  
Upper Cumberland Special Education Cooperative  
Western Kentucky Special Education Cooperative  
Wilderness Trail Special Education Cooperative  
Special Education Regulation Advisory Group  
Special Education Teachers  
Spina Bifida Association of Kentucky  
Statewide Transition Consultants (at each special education cooperative)  
Town Meetings (Public meetings; at least one in every special education cooperative area;  
additional ones in some areas such as Lexington and Louisville)  
United Partners in Kentucky  
Visually Impaired Preschool Programs (VIPS)  
West Kentucky Services for Deaf and Hard of Hearing Students

The regulations proposed in Attachment C are based on majority responses from feedback. KDE has copies of the feedback from extensive sources including individuals, professional organizations and parent groups as well as summaries of conversations, forums, surveys and community meetings. KDE also has copies of the various documents where changes were made based on feedback from these groups. These comments and copies are available as requested.

**Impact on Getting to Proficiency:**

These regulations are necessary to assist school districts in ensuring that exceptional children receive the services to which they are entitled and that meet their unique and special needs.

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**Deputy Commissioner**

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**Interim Commissioner of Education**

**Date:**

February 2007